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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
 OPPORTUNITY COMMISSION,

Plaintiff,

vs.

TESLA, INC.,

Defendant.

Case No.: 3:23-cv-04984-JSC

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER CONTINUING THE INITIAL  
 CASE MANAGEMENT CONFERENCE  
 AND INITIAL CASE DEADLINES**

Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) and Defendant Tesla, Inc. (“Tesla”) (collectively, “the Parties”) jointly submit this request in accordance with Local Rules 6-2 and 7-12 for the Court to vacate the Initial Case Management Conference and initial case deadlines, including the deadlines to meet and confer pursuant to Rule 26(f) and regarding initial

disclosures, early settlement, and a discovery plan Fed. R. Civ. P. 26(f); L.R. 6-2, 7-12.

Plaintiff EEOC filed the Complaint in this matter on September 28, 2023. (ECF 1) On October 2, 2023, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines (“Initial Case Management Order”). (ECF 7) The Initial Case Management Order set December 19, 2023, as the deadline for the parties to meet and confer regarding Rule 26(f), initial disclosures, early settlement, ADR process selection and a discovery plan.

Defendant Tesla waived service of Summons; therefore, Defendant’s answer or motion under Rule 12 is due within sixty days of October 26, 2023, i.e., no later than December 26, 2023. (ECF 11) *See also* Fed R. Civ. P. 12(a)(ii). On December 13, 2023, the Clerk issued a notice rescheduling the Initial Case Management Conference to January 11, 2024 (ECF 20), which shifted the Rule 26(f) and other meet and confer deadlines to December 21, 2023.

On December 18, 2023, Defendant Tesla filed a Notice of Motion and Motion to Stay All Proceedings and requested a hearing on February 1, 2024. (ECF 22) As of this filing, Defendant Tesla has not yet answered or otherwise responded to the Complaint and Defendant’s Motion to Stay remains pending. Accordingly, the Initial Case Management Conference in this matter predates the hearing on a Motion to Stay, and the currently established December 21, 2023 deadline, is prior to the Defendant’s deadline for filing and serving its response to the Complaint. (ECF 11)

There is good cause for the Court to vacate the deadlines set by the initial case management orders and reset all initial case deadlines (excluding the deadline for Defendant’s response to the Complaint) after the Court rules on Defendant’s Motion to Stay. By its terms, Rule 26(f) contemplates that the parties to a lawsuit will confer regarding all claims and defenses to jointly develop a discovery plan and to discuss “the possibilities for promptly settling or resolving the case.” Fed. R. Civ. P.26(f). The Parties are unable to comply fully with Rule 26(f) while Defendant’s response to the Complaint remains pending. In addition, the Parties believe it would serve judicial efficiency for the Court to postpone the Initial Case Management Conference and to reschedule it, if necessary, after the Court has ruled on the Defendant’s Motion to Stay. Accordingly, the Parties respectfully request the Court enter an order vacating the Initial Case Management Conference and all initial case deadlines until after it rules on Defendant’s Motion to Stay, in the interest of

1 efficiency and in order to facilitate informed Rule 26(f) discussions, and to preserve the resources of  
2 the Court and litigants.

3 **STIPULATION**

4 WHEREAS, the Parties believe that good cause exists to continue the Initial Case  
5 Management Conference and related deadlines pursuant to Local Rule 16-10 since the current Initial  
6 Case Management Conference of January 11, 2023, falls before the February 1, 2023 hearing on  
7 Defendant's Motion to Stay;

8 WHEREAS, the Parties believe that good cause exists to vacate the initial case deadlines to  
9 meet and confer pursuant to Rule 26(f) regarding initial disclosures, early settlement, ADR process  
10 selection and a discovery plan since the current December 21, 2023 deadline falls before  
11 Defendant's response is due and since an order granting Defendant's motion would eliminate the  
12 need for the parties to confer; and

13 WHEREAS, the Parties have not requested any other continuances or extensions to the  
14 Court's deadlines;

15 THEREFORE, it is hereby stipulated and agreed that, subject to Court approval, the Parties'  
16 Initial Case Management Conference will be vacated and will be reset, if necessary, after the Court  
17 rules on the Defendant's Motion to Stay All Proceedings, and the Parties' deadline for convening a  
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Rule 26(f) conference and conferring about initial disclosures, early settlement, ADR process selection, and discovery plan shall also be vacated pending further order of the Court.

IT IS SO STIPULATED.

Respectfully submitted,

DATED this 21st of December, 2023.

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*Attorneys for Defendant Tesla, Inc.*

**LOCAL RULE 5-1(I)(3) ATTESTATION**

I, Kena C. Cador, am the ECF User whose ID and password are being used to file the foregoing document. In compliance with Local Rule 5-1(i)(3), I hereby attest that counsel for Defendant concurred in this filing on December 21, 2023.

Dated: December 21, 2023

BY: /s/ Kena C. Cador  
KENA C. CADOR

**~~PROPOSED~~ ORDER**

Based on the foregoing stipulation of the Plaintiff U.S. Equal Employment Opportunity Commission and Defendant Tesla, Inc., IT IS HEREBY ORDERED THAT:

The January 11, 2024 Case Management Conference is vacated and will be reset, if necessary, after the Court rules on the Defendant's Motion to Stay All Proceedings; and the Parties' deadline for convening a Rule 26(f) conference and conferring about initial disclosures, early settlement, ADR process selection and discovery plan are also hereby vacated pending further order of the Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 21, 2023

  
HON. JACQUELINE S. CORLEY  
United States District Court Judge

ROBERTA L. STEELE, SBN 188198 (CA)  
 MARCIA L. MITCHELL, SBN 18122 (WA)  
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**DECLARATION OF KENA CADOR IN  
 SUPPORT OF JOINT STIPULATION  
 CONTINUING THE INITIAL CASE  
 MANAGEMENT CONFERENCE AND  
 INITIAL CASE DEADLINES**

I, Kena C. Cador, being of lawful age, declare under penalty of perjury, that the following statements are true and correct to the best of my knowledge:

1. I am a Trial Attorney at the United States Equal Employment Opportunity Commission (“EEOC”), in the San Francisco District Office, and I have personal knowledge of the facts set forth in this Declaration.
2. I submit this declaration in support of the Parties’ Joint Stipulation Continuing the Initial Case Management Conference and Initial Case Deadlines.
3. Plaintiff EEOC filed the Complaint in this matter on September 28, 2023. (ECF 1)
4. On October 2, 2023, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines (“Initial Case Management Order”). (ECF 7)